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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,834	12/08/2000	Neil A. Willcocks	02280.002680.	1867

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3688

MAIL DATE	DELIVERY MODE
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05/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/731,834	Applicant(s) WILLCOCKS ET AL.	
	Examiner Raquel Alvarez	Art Unit 3688	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1, 2, 4-10, 12-27, 29, 30, 32 and 36-40.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Raquel Alvarez/
 Primary Examiner, Art Unit 3688

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that here is no suggestion whatsoever in Hassell that the Web page content 30 is part of a vendor's Web site, nor is there any suggestion that the Web page content 30 displays an offer for sale of a product and/or service that may be purchased from a vendor via the Web page content 30. Applicant is reminded that the claims were rejected under the doctrine of 103 and should be argued accordingly. The examiner has taken official notice that displaying the offer/coupon on the vendor's website where the product may be purchased is old and well known and Applicant hasn't properly challenged Examiner's assumption. In addition, Hassell teaches on paragraph 0069 an additional embodiment where the user can request coupons directly from merchants/vendors website.

Applicant argues that Hassell clippable coupon is not an offer for sale of an item but instead merely is an advertisement for the item. Additionally, the act of selecting or clipping a clippable coupon (for example, by "clicking" on it) does not result in a purchase but instead causes the coupon to be stored in a folio, as discussed above. In fact, Hassell specifically teaches away from the coupon causing any direct purchasing action. The Examiner disagrees with Applicant because Hassell teaches an additional embodiment including clicking on the clippable coupon takes the user to a specified site in order for the user to redeem the coupon (see paragraphs 0019 and 0071). Therefore, contrary to Applicant's arguments, Hassell doesn't teach away from causing direct purchasing action, because as can be seen by Hassell above, the user can click on the clippable coupon and it takes the customer directly to the specified web site where the coupon can be redeem.

Applicant argues that Hassell doesn't teach or suggest the features of: "registering at said server an initial time at which said incentive is initially displayed; registering at said server an acceptance time at which said consumer electronically accepts said offer; and comparing said initial time and said acceptance time to verify said provided current displayed value of said incentive, wherein said incentive is electronically redeemed for said verified current displayed value," The examiner disagrees with Applicant because Hassell teaches on paragraph 0025 registering the day date and/ or time the coupon was clicked, tracking when the coupon is redeemed on paragraphs 0033 0058 and 0059; and based on the time that has lapsed from where the coupon was clicked it determines the value of the coupon's redemption value paragraph 0059.

Applicant states on page 20 of "Remarks" that The Hassell system ensures that a consumer does not lose the opportunity provided by the coupon, because the clipped coupon is stored in the consumer's personal folio. As such the consumer need not act on the coupon with any urgency. In contrast, as explained above, the claims of the present application are aimed at enticing a curious consumer (i.e., a consumer who is interested in a vendor's products and/or services) to make an impulse purchase from the vendor while on or visiting the vendor's Web site to obtain information about the vendor's products and/or services. As explained above, Hassell has additional embodiments including the user clicking on the clippable coupon on the merchant's website and allowing the customer to click on the coupon in order for automatically redemption of the coupon instead of storing it therefore impulses the customer to make an instant purchase(paragraphs 0069 0070 and 0071) .